THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL NO.1861 OF 2005

Date: 07.10.2005

Between:

The Regional Manager, APSRTC, Guntur & another.

….. Appellant

and

Malladi Subrahmanyam Sastry

… Respondent

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL NO.1861 OF 2005

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on behalf of both the parties and at their request the main appeal itself is taken up for disposal.

The appellants-APS RTC seek to assail the order, dated 06.07.2005, allowing W.P.No.14525 of 2005 filed at the instance of the respondent herein seeking grant of selection grade stagnation increment on completion of 12 years service.

The learned standing counsel appearing on behalf of the appellants submits that the writ petition was disposed of at the stage of admission depriving the appellants of the opportunity of pointing out certain facts. According to him, as per the settlement arrived at, under Section 12(3) of the Industrial Disputes Act, 1947, between the employees union and the management, a Circular has been issued vide PD-30/2005, dated 04.06.2005, wherein it is stated that the employees, who were denied their special grade on account of their transfer

from one region to another, on request on loss of seniority, would be allowed special grades on completion of 12 years of service in the same category and their pay would be fixed notionally from the date of their eligibility and the monetary benefit consequent on fixation should be paid with effect from 01.04.2005. He submits that having regard to the said Circular, the direction issued by the learned Single Judge is not sustainable.

Considering the submissions made on behalf of both the parties and also in view of the Circular already issued by the appellants-Corporation as aforesaid, it is needless to mention that the respondent also would be entitled to be treated on the same lines as contemplated there under, by making necessary payments with effect from 01.04.2005 and fixing the scale notionally from the date of his eligibility.

Subject to the above observation, the writ appeal is disposed of. There shall be no order as to costs.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

ksld

Dt.07.10.2005